IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10939 of 1998
With
SPECIAL CIVIL APPLICATION No. 10940 of 1998
With
SPECIAL CIVIL APPLICATION No. 10684 of 1998

For Approval and Signature:
HONOURABLE MS. JUSTICE R.M.DOSHIT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RANDER PEOPLE'S CO OP BANK LTD - Petitioner(s)
Versus
ANJANA JAGDISH PAREKH & 2 - Respondent(s)

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Appearance :
MR SHIRISH JOSHI for Petitioner(s) : 1,
MS NANDINI JOSHI for Respondent(s) : 1,
Respondent(s) : 2 SERVED ,
None for Respondent(s) : 3,
RULE UNSERVED for Respondent(s) : 3.2.1
RULE NOT RECD BACK for Respondent(s) : 3.2.2, 3.2.3,3.2.4

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CORAM : HONOURABLE MS. JUSTICE R.M.DOSHIT

Date : 27/07/2007

ORAL JUDGMENT

The petitioner in these three petitions is the Rander People's Cooperative Bank Limited (hereinafter

referred to as, **“the Bank”**). Learned advocate Mr.Shirish Joshi appearing for the petitioner Bank has filed a note and the consent terms duly signed by the Chairman and the Recovery Manager of the Bank and the respondent Jagdish Prasannavadan Parekh. It is stated that the parties to these petitions have settled the matters at dispute for a lump-sum payment of Rs.50 lakhs, to be paid by the respondent. Of the said Rs.50 lakhs, the respondent Jagdish Prasannavadan Parekh has paid a sum of Rs.20 lakhs. For the remaining Rs.30 lakhs he has handed over a post-dated cheque in the sum of Rs.30 lakhs. He has assured that the said cheque, when presented to the bank, will be honoured. He has also given undertaking to this Court to that effect. It is submitted that in view of the said settlement these petitions do not survive and the same be disposed of accordingly.

In view of the aforesaid consent terms dated 25th July, 2007, the cause of action does not survive. The petitions are disposed of. Rule nisi issued in each petition is discharged. The parties will bear their own cost. The aforesaid consent terms and the

undertaking be maintained on the record of Special Civil Application No.10939/1998.

In the event, the aforesaid cheque in the sum of Rs.30 lakhs is not honoured by the bank, the petitioner Bank will have liberty to revive these petitions.

Registry will maintain copy of this order in each of these petitions.

(Ms. R.M.Doshit, J.)

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